

1 Sec. 20. 20 V.S.A. § 2307 is added to read:

2 § 2307. FIREARMS SURRENDERED PURSUANT TO RELIEF FROM  
3 ABUSE ORDER; STORAGE; FEES; RETURN

4 (a) The Department of Public Safety shall be responsible for the  
5 implementation of and establishment of standards and guidelines to carry out  
6 this section. To carry out this responsibility, the Department shall:

7 (1) establish and maintain a list of qualified storage locations including:

8 (A) federally licensed firearms dealers who annually certify  
9 compliance with the Department's standards to receive firearms, ammunition,  
10 or other weapons pursuant to subdivision (b)(2) of this section; and

11 (B) cooperating law enforcement agencies;

12 (2) establish a fee schedule for the transportation and storage of  
13 firearms, ammunition, and other weapons pursuant to this section;

14 (3) establish standards and guidelines to provide for the transportation  
15 and storage of firearms, ammunition and other weapons pursuant to this  
16 section;

17 (4) establish a process by which an owner who has failed to make  
18 storage fee payments may become current on the payment schedule in order to  
19 avoid a sale of the stored item or items; and

20 (5) report on January 15, 2015 and annually thereafter to the House and  
21 Senate Committees on Judiciary on the status of the program.

1       (b)(1) A person who is required to surrender firearms, ammunition, or other  
2 weapons by a court order issued under 15 V.S.A. chapter 21 (abuse prevention)  
3 or any other provision of law consistent with 18 U.S.C. § 922(g)(8) shall upon  
4 service of the order immediately surrender to a cooperating law enforcement  
5 agency or an approved federally licensed firearms dealer any firearms,  
6 ammunition, or weapons in the person's possession, custody, or control.

7       (2) The Department of Public Safety shall identify federally licensed  
8 firearms dealers who annually certify compliance with the standards and  
9 guidelines established by the Department pursuant to subdivision (a)(1) of this  
10 section.

11       (c) A law enforcement agency or an approved federally licensed firearms  
12 dealer who takes possession of a firearm, ammunition, or other weapon  
13 pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and  
14 store the item in accordance with standards and guidelines established by the  
15 Department of Public Safety pursuant to subdivision (a)(3) of this section. A  
16 firearm, ammunition, or other weapon shall not be taken into possession  
17 pursuant to this section if it is being or may be used as evidence in a pending  
18 criminal matter.

19       (d) A law enforcement agency or an approved federally licensed firearms  
20 dealer who stores firearms, ammunition, or weapons pursuant to subsection (c)  
21 of this section may charge the owner a storage fee, not to exceed \$4.00 per

1 week or part thereof. A law enforcement agency or an approved federally  
2 licensed firearms dealer who stores firearms, ammunition, or weapons pursuant  
3 to subsection (c) of this section also may charge a retrieval fee not to exceed  
4 \$25.00 when the firearm, ammunition, or weapon is retrieved.

5 (e)(1) A law enforcement agency or an approved federally licensed  
6 firearms dealer who takes possession of firearms, ammunition, or weapons for  
7 storage purposes pursuant to this section shall not release the item to the owner  
8 without a court order unless the item is to be sold at public auction pursuant to  
9 subdivision (2)(A) of this section. If a court orders the release of firearms,  
10 ammunition, or weapons stored under this section, the law enforcement agency  
11 or firearms dealer in possession of the item shall make it available to the owner  
12 within three business days of the order and in a manner consistent with federal  
13 law. The Supreme Court may promulgate rules under 12 V.S.A. § 1 for  
14 judicial proceedings under this subsection.

15 (2)(A) If the owner fails to retrieve the firearm, ammunition, or weapon  
16 and pay the applicable storage fee within 90 days of the court order releasing  
17 the item, or if the owner fails to pay the storage fee for 90 days in violation of  
18 the applicable fee schedule, the firearm, ammunition, or weapon may be sold at  
19 public auction. Title to the item shall pass to the law enforcement agency or  
20 firearms dealer for the purpose of transferring ownership to the auctioneer.  
21 The law enforcement agency or firearms dealer shall make a reasonable effort

1 to notify the owner of the sale before it occurs. As used in this subdivision,  
2 “reasonable effort” shall include providing notice to the owner at least 21 days  
3 prior to the date of the auction via certified mail to his or her last known  
4 address.

5 (B) Proceeds from the sale of a firearm, ammunition, or weapon  
6 pursuant to subdivision (A) of this subdivision (2) shall be apportioned as  
7 follows:

8 (i) Unpaid storage fees shall be paid to the law enforcement  
9 agency or firearms dealer who incurred the cost.

10 (ii) Any proceeds remaining after payment is made to the law  
11 enforcement agency or firearms dealer pursuant to subdivision (i) of this  
12 subdivision (B) shall be paid to the owner.

13 (f) A law enforcement agency or an approved federally licensed firearms  
14 dealer shall be immune from civil or criminal liability for any damage or  
15 deterioration of firearms, ammunition, or weapons stored or transported  
16 pursuant to subsection (c) of this section. This subsection shall not apply if the  
17 damage or deterioration occurred as a result of recklessness, gross negligence,  
18 or intentional misconduct by the law enforcement agency or firearms dealer.

1        (g) As used in this section:

2                (1) “Federally licensed firearms dealer” means a licensed importer,  
3                licensed manufacturer, or licensed dealer required to conduct national instant  
4                criminal background checks under 18 U.S.C. § 922(t).

5                (2) “Law enforcement agency” means the Vermont State Police, a  
6                municipal police department, or a sheriff’s department.

7                (3) “Person” means anyone who meets the definition of “intimate  
8                partner” under 18 U.S.C. § 921(a)(32) or who qualifies as a family or  
9                household member under 15 V.S.A. § 1101.

10        Sec. 21. DEPARTMENT OF PUBLIC SAFETY UPDATE

11                On or before April 15, 2014 the Department of Public Safety shall provide a  
12                status report to the House and Senate Committees on Judiciary on the  
13                implementation of the firearms storage program required by 20 V.S.A. § 2307,  
14                including the standards and guidelines, fee schedules, and list of qualified  
15                storage locations required by 20 V.S.A. § 2307(a).

16                                \* \* \* Miscellaneous \* \* \*

17        Sec. 22. 32 V.S.A. § 605 is amended to read:

18        § 605. CONSOLIDATED EXECUTIVE BRANCH ANNUAL FEE REPORT  
19                AND REQUEST

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21                (b) Fee reports shall be made as follows: